

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THERABODY, INC.,

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Plaintiff,

:

- against -

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Tzumi Electronics LLC, et al.,

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Defendants.

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21-CV-7803 (PGG) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

As discussed at the case management conference held on April 28, 2022, the Court orders as follows:

1. Defendants' motion to bifurcate infringement and validity from willfulness and damages is denied for purposes of discovery. The question of whether bifurcation may be appropriate for trial can be addressed at the appropriate juncture.
2. Plaintiff's request to file its further amended complaint is granted. Plaintiff shall file the amended pleading by May 6, 2022.
3. By May 6, 2022, the parties shall jointly file a revised case management plan. The parties may add a total of two months to the combined (fact and expert) discovery period in addition to that set forth in the parties' previously-filed proposed plan (see Dkt 41). Section 9(b) of the revised plan shall allow a period of two months between the parties' infringement and invalidity contentions. Section 9(d) of the revised plan shall adopt the schedule for supplemental infringement and invalidity contentions proposed by defendants.

4. If Defendant proceeds with its intended motion for partial summary judgment regarding claim construction and infringement, it shall file the motion by May 31, 2022. Plaintiff shall file its opposition by July 1, 2022. Defendant shall file its reply, if any, by July 15, 2022.
5. If Defendant proceeds with its intended motion to dismiss claims of willfulness, it shall file the motion by June 6, 2022. Plaintiff shall file its opposition by July 8, 2022. Defendant shall file its reply, if any, by July 22, 2022.

The Clerk of Court is respectfully requested to terminate the letter motions at Dkt. 23 and 38.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: April 29, 2022  
New York, New York

Copies transmitted this date to all counsel of record.